

James E. Torgerson (Bar No. 8509120)
Connor R. Smith (Bar No. 1905046)
STOEL RIVES LLP
510 L Street, Suite 500
Anchorage, AK 99501
Telephone: 907.277.1900
Facsimile: 907.277.1920
jim.torgerson@stoel.com
connor.smith@stoel.com

Beth S. Ginsberg (Pro Hac Vice Pending)
James C. Feldman (Bar No. 1702003)
STOEL RIVES LLP
600 University Street, Suite 3600
Seattle, WA 98101
Telephone: 206.624.0900
Facsimile: 206.386.7500
beth.ginsberg@stoel.com
james.feldman@stoel.com

Attorneys for Proposed Intervenor-Defendant
NANA Regional Corporation, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ALATNA VILLAGE COUNCIL; *et al.*,

Plaintiffs,

v.

CHAD PADGETT in his official capacity
as Alaska State Director, U.S. Bureau of
Land Management; *et al.*,

Defendants,

and

AMBLER METALS LLC, *et al.*

Intervenor-Defendants.

Case No.: 3:20-cv-00253-SLG

DECLARATION OF WILLIAM MONET

I, William Monet, hereby declare as follows:

Alatna Village Council, et al. v. Padgett, et al.
Case No. 3:20-cv-00253-SLG 1

Ex. A, p. 1

1. I am the interim President and CEO of NANA Regional Corporation, Inc. (NANA), a position I have held since October 2020. I have personal knowledge of the facts set forth in this declaration, which I make in support of NANA's motion to intervene in the above-captioned litigation.

2. NANA has a unique interest in and perspective on the imperative to simultaneously pursue economic development in its region while prioritizing access to subsistence and cultural resources on behalf of its shareholders. Alaska Native Corporations (ANCs) like NANA similarly have the unique responsibility to act for the benefit of their shareholders both socially and economically.

3. During the Alaska Native Claims Settlement Act (ANCSA) settlement process, NANA retained approximately 2.2 million acres of traditional land on behalf of the Iñupiat people of Northwest Alaska, and NANA holds this land in fee simple title as a private landowner. In April 1976, NANA merged with 10 of the 11 village corporations in its region—the corporations for Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Noatak, Noorvik, Selawik, and Shungnak. The only village corporation with which NANA did not merge is Kikiktagruk Inupiat Corporation (KIC), the village corporation for Kotzebue. Following these mergers, NANA became responsible for land management of both the surface and subsurface estates of its lands, and the reconveyance of lands for public use for all lands held by the 10 villages that merged with NANA. Today, NANA

has nearly 15,000 shareholders who are the descendants of the Iñupiat people of Northwest Alaska.

4. NANA's policies state that the highest and best use of NANA's lands is subsistence and that management and pursuit of economic development must be done in such a way as to minimize or mitigate impacts to subsistence resources. NANA has an interest in preserving the historic and culturally significant character of the land while also ensuring the future economic success of the Iñupiat people. NANA's responsibility to simultaneously pursue economic development while giving priority to subsistence and cultural resources has required that NANA have a seat at the table when its lands and resources are at issue.

5. For over 40 years, NANA has partnered in responsible resource development with the operator, now Teck Alaska Incorporated (Teck), at the Red Dog Mine ("Red Dog" or "Mine") located about 90 miles north of the Arctic Circle. The mineral resources are owned by NANA, and Teck operates the Mine and an associated mill. The Mine operates under a unique agreement between NANA and Teck that established a subsistence committee to advise on the development and operations of the Mine to minimize its impacts to subsistence resources. The Red Dog Mine subsistence committee consists of NANA Elders and hunters from the villages of Noatak and Kivalina. It meets regularly with Red Dog representatives to review subsistence and environmental issues and provide guidance. To minimize possible effects on sea mammal

hunts, shipping schedules are adjusted. To protect caribou herds, their migrations are monitored, and haul road traffic is regulated. These are just a couple of examples of the group's work to protect subsistence resources, which is made possible because NANA has been part of the conversation about how its lands and resources are developed. Throughout the life of the Mine, it has benefitted NANA, its shareholders, the Northwest Arctic Borough, other Alaska Native Corporations and the State of Alaska.

6. Teck is able to transport zinc and lead concentrate from Red Dog to market because it has the use of the Delong Mountain Transportation System (DMTS). The DMTS includes a 52-mile road from the Mine to the Red Dog Port (the "Port") on the coast of the Chukchi Sea 16 miles southeast of Kivalina, Alaska. Operations at the Port include working with local communities to determine the start of the shipping season to minimize impacts to whaling and sealing activities. Without the road to the Port, the Mine would not have been possible.

7. In 2018, Mining accounted for 26% of all jobs and was the second largest source of employment in the Borough. The Mine has an average shareholder hire of 55%, and since 1989, shareholders working at the Mine have earned a combined \$500 million. NANA has received over \$2.3 billion in proceeds from the beginning of the Mine's life and paid out over \$1.4 billion in revenue to the other ANC's under Section 7(i) of ANCSA. The Mine also paid over \$1.3 billion to the State of Alaska agencies including over \$594 million to the Alaska Industrial Development and Export Authority (AIDEA)

for use of the DMTS. Over 90% of the Borough's budget comes from the Payment in Lieu of Tax Agreement that it holds with the Red Dog Mine. That agreement has a total estimated value in the range of \$20–\$26 million per year over 10 years. The Borough uses these resources to fund its programs and provide the required match to the State's funding to the Northwest Arctic Borough School District. NANA has used its earnings from the Mine and other business ventures to pursue opportunities to create a portfolio of businesses that will grow alongside a growing population of shareholders. NANA's shareholders are interested in the protection of subsistence resources, access to jobs, and dividends. NANA has also invested in its communities through the Village Economic Development Program to support projects proposed by local communities to grow their economies in ways they see as most appropriate.

8. Red Dog's mine life on NANA lands is approaching its last decade of operations. New opportunities that exist on State lands are being considered, but may not be economic to develop. NANA is also pursuing opportunities for mineral development potential on lands that it owns. NANA holds interest in the Ambler Mining District through an agreement with Ambler Metals that establishes the Upper Kobuk Minerals Project. The Project, like Red Dog, will only be economic if the materials can make it to market, among other factors. As set out in the Alaska National Interest Lands Conservation Act (ANILCA), access to this district and the potential it may hold for future generations is important. Access through the Gates of the Arctic National Park and

Preserve was codified into ANILCA to preserve access to the district and to ensure that future opportunities for responsible development could be explored.

9. As the NANA Region enters the next decade with uncertainty surrounding the continuation of mineral development, limited infrastructure to expand other economic opportunities, and the need to continue to protect subsistence resources and access to NANA's lands, NANA's primary interest remains protecting subsistence. At the same time, NANA seeks to preserve full access to the Ambler Mining District, whenever actual development occurs. It is critical, therefore, that NANA have a voice in this litigation given that disposing of the action, including a possible settlement, could have a profound effect on its future and may harm NANA if its interests are not taken into account.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2021 in Anchorage, Alaska.


William Monet

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2021, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court, District of Alaska, by using the CM/ECF system. Participants in this Case No. 3:20-cv-00253-SLG, who are registered CM/ECF users, will be served by the CM/ECF system.

/s/ James E. Torgerson

James E. Torgerson

Alatna Village Council, et al. v. Padgett, et al.
Case No. 3:20-cv-00253-SLG 7

Ex. A, p. 7